

### **REMARKS/ARGUMENTS**

Claims 1-36 are pending and presented for examination. The Examiner has withdrawn claims 8-11, 17, 19, 20, 24 and 28-36 under 37 CFR 1.142(b) as being drawn to non-elected inventions. Claims 32 and 34-36 have been canceled and claims 25 and 26 have been amended. In claims 25 and 26 the references to Figures 5A and 5B have been replaced with the corresponding formula. The structure designated as compound F in Figure 5A has been corrected by adding the designation "N" in the side chain of the C-terminal amino acid. This correction is an obvious typographical error noting that both the formula shown in the main claim as well as all exemplary compounds of the invention exhibit a guanidinium group at this position. Applicants believe no new matter is present in this or any other portion of the present amendment. With regard to the assertion that the Figures are blurry, enclosed as Appendix 1 are clear copies of these previously submitted figures with the correction noted above. Reconsideration of the application is respectfully requested in view of the following remarks.

#### **Obviousness-type Double Patenting rejection**

Claims 1-7, 12-16, 18, 21-23 and 25-27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3 and 4 of U.S. Patent No. 6,797,504.

In response to the obviousness-type double patenting rejections over U.S. Patent Nos. 6,797,504, Applicants respectfully request that the rejection under the judicially-created doctrine of obviousness-type double patenting be held in abeyance until subject matter is otherwise found allowable. Should this rejection still be set forth at that time, Applicants intend to file a suitable terminal disclaimer.

In response to the Office Communication dated October 13, 2005, applicants resubmit the corrected section of a non-compliant amendment. Applicant's wish to point out that a Revocation and New Power of Attorney was submitted and recorded with the U.S. Patent and Trademark Office on October 29, 2004. We would appreciate if the Patent Office would forward

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future correspondence to the correct address listed therein to avoid undue delay in Applicant's receiving the same.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 925-472-5014.

Respectfully submitted,



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**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Fig. 5A. This sheet, which includes Fig. 5A replaces the original sheet including Fig. 5A.

Attachment: Replacement Sheet  
Annotated Sheet Showing Changes